

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

BARRY BUCKHANON and
RODNEY FRALEY,

Plaintiffs,

vs.

HUFF & ASSOCIATES
CONSTRUCTION COMPANY, INC.

Defendant.

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CASE NO.: 3:05-cv-0741-F

REPORT OF RULE 26(f) PARTIES' PLANNING MEETING

Pursuant to Fed.R.Civ.P. 26(f) and this Court's Order of September 19, 2005, a conference was held between counsel for the parties on the 21 day of September, 2005, via telephone. As a result of that conference, the parties now submit the following report to the Court for its consideration.

1. The meeting was attended by:
 - a. James R. Bowles for Plaintiffs Rodney Fraley and Barry Buckhanon.
 - b. Ben C. Wilson for Defendant Huff & Associates Construction Company, Inc.
2. Pre-discovery disclosures. The parties will exchange the information required by Local Rule 26.1(a)(1) on or before October 31, 2005.
3. Discovery Plan: The parties jointly propose to the Court the following plan:
 - a. Discovery will be needed on the following subjects: All matters raised in the Complaint, and amendments to the Complaint and any Answer;
 - b. All discovery commenced in time to be completed by May 1, 2006;
 - c. Written discovery:

- i. Maximum of 40 interrogatories by each party to any other party. Responses due 30 days after service.
 - ii. Maximum of 40 requests for production by each party to any other party. Responses due 30 days after service.
 - iii. Maximum of 25 requests for admission by each party to any other party. Responses due 30 days after service;
 - d. Maximum of 10 depositions by Plaintiffs and 10 depositions by Defendants, unless otherwise agreed to by the parties;
 - e. Each deposition, other than that of the parties, limited to a maximum of 8 hours, unless otherwise agreed to by the parties. Parties' depositions limited to a maximum of 8 hours, unless otherwise agreed to by the parties;
 - f. Reports from retained experts under Rule 26(a)(2) due;
 - i. from Plaintiff by April 1, 2006; and
 - ii. from Defendants by May 15, 2006.
 - g. Supplementation under Rule 26(e) due May 15, 2006, or reasonable time thereafter.
4. Other Matters:
- a. The parties do not request a conference with the Court before entry of the Scheduling Order.
 - b. Plaintiff should be allowed until February 1, 2006, to join additional parties and until February 1, 2006, to amend the pleadings.
 - c. Defendants should be allowed until March 1, 2006, to join additional parties and until March 1, 2006, to amend the pleadings.
 - d. All potentially dispositive motions should be filed by July 31, 2006;

- e. Settlement cannot be realistically evaluated prior to May 15, 2006;
- f. The parties request a final pretrial conference in September of 2006 assuming a trial date during the Opelika term of Court commencing on November 6, 2006;
- g. Final witness / exhibits lists under Rule 26(a)(3) due:
 - i. from Plaintiff: 60 days before trial; and
 - ii. from Defendant: 60 days before trial.
- h. Parties should have until no less than 30 days prior to trial to list objections to witnesses and exhibits under Rule 26(a)(3); and
- i. The case should be ready for trial by November 2006, and is expected to take approximately 2-3 days.

The parties have agreed that this document shall be filed as a joint document but shall contain only the signature of Ben C. Wilson.

Respectfully submitted this the 7th day of October 2005.

/s/ BENJAMIN C. WILSON (asb-1649-i54b)
Attorney for Defendant
Huff & Associates Construction
Company, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Benjamin C. Wilson